

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUN 15 2012 ★

-----X
KAHLIL BERRY,

Petitioner,

-against-

BROOKLYN OFFICE
ORDER

10-CV-0780 (NGG) (LB)

PHILIP HEATH,

Respondent.

-----X
NICHOLAS G. GARAUFIS, United States District Judge.

Kahlil Berry brings a pro se Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, alleging that the New York State Board of Parole's denial of his request for parole was in violation of his federal constitutional rights. (Pet. (Docket Entry # 1) ¶ 13.) Respondent filed an Answer to Berry's Petition seeking its dismissal for failure to exhaust state remedies. (Answer (Docket Entry # 5) passim.) The court referred Berry's Petition to Magistrate Judge Lois Bloom for a Report and Recommendation ("R&R") pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1). (Docket Entry # 6.) On May 14, 2012, Judge Bloom filed an R&R recommending that Berry's Petition be dismissed as moot.

No party has objected to Judge Bloom's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). Accordingly, the court reviews Judge Bloom's R&R for clear error. See 28 U.S.C. § 636(b)(1). Having reviewed Judge Bloom's R&R, the court finds no error and adopts it in its entirety. See Porter v. Potter, 219 F. App'x 112, 113 (2d Cir. 2007). Accordingly, the court dismisses Berry's Petition for mootness and lack of subject matter jurisdiction. No certificate of appealability shall issue. See 28 U.S.C. § 293(c)(2). The Clerk of Court is directed to close this

case.

SO ORDERED.

Dated: Brooklyn, New York
June 13, 2012

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge